

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ALBERT K. KWAN,

Plaintiff,

v.

BUREAU OF ALCOHOL, TOBACCO,
FIREARMS, AND EXPLOSIVES, UNITED
STATES DEPARTMENT OF JUSTICE,

Defendant.

Case No. C03-2626FDB

ORDER RE WITHDRAWAL OF
COUNSEL

Defendant's motion for summary judgment (concluding that Kwan was (1) properly found to be not eligible for a Federal firearms manufacturer's license as provide by 18 U.S.C. § 923(d)(1)(E) because he willfully failed to engage in any substantial activity involving the manufacture or importing of firearms, or the manufacturing of ammunition; and (2) correctly found to have willfully violated 18 U.S.C. § 923(g)(1)(B) by failing to cooperate when the agency attempted to conduct an inspection of his two licensed premises) was granted by order of August 17, 2005. Plaintiff's counsel filed notice of appeal on October 14, 2005. On the same date, Plaintiff's counsel filed a motion to withdraw, stating that he mailed this motion to Plaintiff.

Before Plaintiff's counsel will be allowed to withdraw, Plaintiff must file a statement of whether he intends to proceed with the appeal representing himself or whether he will employ new counsel. ACCORDINGLY,

IT IS ORDERED:

ORDER - 1

1. By no later than **November 18, 2005**, Plaintiff shall file a statement of whether he intends to proceed with his appeal pro se or whether he will employ new counsel, who should file an appearance by this date as well.
2. Counsel's motion to withdraw will be addressed after Plaintiff advises the Court of his intentions as ordered above.

DATED this 28th day of October 2005.



FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE